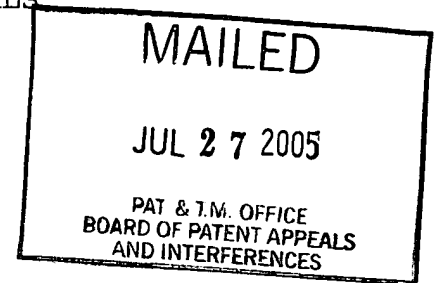


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YOSI BAR-EREZ

Application No. 09/581,990



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

An Information Disclosure Statement (IDS) was filed December 7, 2004. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

A review of the application indicates that the following sections are missing from the Appeal Brief of January 3, 2005:

1) "Summary of Claimed Subject Matter", as set forth in 37 CFR § 41.37(c)(1)(v); and

2) "Grounds of Rejections to be Reviewed on Appeal", as set forth in 37 CFR § 41.37(c)(1)(vi).

A substitute brief that is in compliance with 37 CFR § 41.37(c) is required. For more information on the Board's new rules see the web page entitled More Information on the Rules of Practice Before the BPAI, Final Rule at:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

Accordingly it is

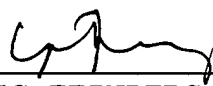
ORDERED that the application is returned to the Examiner:

- 1) to consider the December 7, 2004 IDS,
- 2) to provide written notification to appellant regarding the result of the examiner's consideration
- 3) to hold the Appeal Brief of January 3, 2005 defective;
- 4) to have the applicant to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 5) to consider the substitute Appeal Brief;

- 6) to vacate the Examiner's Answer mailed March 21, 2005, and issue a new Examiner's Answer in accordance with the new rules; and
- 7) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


CRAIG FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/eld

Dr. Mark M. Friedman
C/O Bill Polkinghorn - Discovery Patch
9003 Florin Way
Upper Marlboro, MD 20772